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IN THE  
**Supreme Court of the United States**  
October Term, 1975

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No. 75-1554

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GEORGE STOFISKY and AL GOLD,  
*Petitioners,*  
—against—  
UNITED STATES OF AMERICA,  
*Respondent.*

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**PETITION FOR WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT**

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FOR THE SECOND CIRCUIT**

Petitioners George Stofsky and Al Gold petition this Court for a writ of certiorari to issue reviewing the judgment of the United States Court of Appeals for the Second Circuit affirming the judgments of the United States District Court for the Southern District of New York.

**Opinions Below**

The opinion of the Court of Appeals is reported at 527 F.2d 237 (1975), and is reprinted as Appendix A (1a-23a) to the Petition of Charles Hoff and Clifford Lageoles, No. **75-1541**, \* (hereinafter referred to as

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\* Petitioners herein were indicted and tried jointly with petitioners Hoff and Lageoles.

"Hoff Petition"), upon which petitioners herein rely. The district court wrote two opinions denying petitioners' two motions for a new trial. The district court opinions, as yet unreported, are reprinted in the Hoff Petition as Appendices C (27a-44a) and D (45a-50a).

### **Jurisdiction**

The Court of Appeals issued its opinion on November 7, 1975. On February 26, 1976 it denied petitioners' application for rehearing and suggestion of rehearing *en banc* (Hoff Petition, Appendix B, 24a-26a). By order of March 18, 1976, Mr. Justice Marshall extended the time for filing a petition for a writ of certiorari to and including April 26, 1976. The jurisdiction of this court is invoked pursuant to 28 U.S.C. § 1254(1).

### **Questions Presented**

1. Whether a new trial should have been granted based upon newly-discovered evidence of concededly massive perjury by the government's chief witness, and whether, in denying those motions, the courts below utilized an erroneous standard of review, different from that applied by other federal courts and by this Court?

2. Whether the government violated its obligation under *Brady v. Maryland*, 373 U.S. 83, to investigate and disclose exculpatory information within its possession and control?

3. Whether there was insufficient evidence of the single conspiracy charged in count 1 of the indictment, therefore requiring reversal and a new trial on all counts?

### **Statement of the Case**

The facts and background of the case are set forth in the opinion of the Court of Appeals and in the Statement of the Case contained in the Hoff Petition (3-13). Insofar as they relate to petitioners Stofsky and Gold, they are incorporated herein by reference.

### **Reasons for Granting the Writ**

Petitioners Stofsky and Gold adopt the Reasons for Granting the Writ contained in the Hoff Petition (13-28) insofar as applicable.

### **CONCLUSION**

**Under all the circumstances herein set forth, it is respectfully urged that a writ of certiorari issue to review the judgment and opinion of the Second Circuit.**

Respectfully submitted,

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